

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte RONALD R. FOSTER

Application No. 09/826,486

MAILED

NOV 17 2004

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 1, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Information Disclosure Statement on January 2, 2002. It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that this application be returned to the examiner for 1) consideration of the Information Disclosure Statement; 2) appropriate notification by the examiner to appellant of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
Dale M. Shaw  
Program and Resource Administrator  
(571)272-9797

cc: Perkins Coie LLP  
Patent-Sea  
P.O. Box 1247  
Seattle, WA 98111-1247

DMS/tdl  
RA05-0069